

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEWART M. SMITH,

Plaintiff,

-against-

AECOM TISHMAN, ET AL.,

Defendants.

21-CV-2990 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se*, brings this action asserting claims for employment discrimination. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a substantially similar complaint against the same Defendants arising from the same facts. That case is presently pending in this Court under docket number ECF 1:21-CV-2915.<sup>1</sup> As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number ECF 1:21-CV-2915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff's complaint is dismissed as duplicative. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and

---

<sup>1</sup> It appears from a review of the docket that Plaintiff has not yet paid the filing fees or submitted a request to proceed *in forma pauperis* in that action.

therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 9, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge